VULNERABILITIES IN ECONOMY ARISING FROM DEFICIENCIES IN PUBLIC PROCUREMENT

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"If someone tells you that you can rise by any means other than culture, hard work, and economic endeavor, avoid them"

Benjamin Franklin (1707 – 1790, writer, scientist, inventor, statesman, diplomat, printer, publisher, and political philosopher.)

Abstract:

Economy benefits from a powerful instrument for growth and development, namely public procurement; it can generate solutions to social and environmental challenges and contribute to the advancement of innovation. Public procurement plays a crucial role for both the public sector and the private sector, as its specific processes involve expenditures on goods, services, and works, enable investments, fostering employment. Integrity in public procurement is essential to fully benefit from the processes taking place within the economy. Otherwise, when public procurement is not conducted in compliance with legal procedures, lacking economic and social efficiency, and sound financial management, it generates vulnerabilities in economy. In practice, the primary objective is to assess whether effectiveness, and economy ('value for money') are achieved under conditions of integrity and accountability.The objective of this study is to assess the scope and scale of deficiencies and to focus on their reduction. The consequences of the identified deficiencies are reflected in the substantial extent of losses, additional revenues, and financial-accounting irregularities. The conclusion is that strengthening oversight in the field of public procurement in Romania can lead to a reduction of deficiencies in this area.

Keywords: *fraud*, *corruption, public procurement*

JEL classification: D73, H11, H57

Introduction

Public procurement is a means through which the state and the economy can contribute to economic progress and development, to rising the the standard of living of its citizens, and to

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improving the quality of life. For these outcomes to be achievable, efforts at the political, economic, and legislative levels must be consistent and oriented toward the main objective of prosperity.

It can be argued that solutions to economic problems cannot be found unless inefficiencies in the public system are analysed and addressed. Those deficiencies associated with public procurement are among these inefficiencies.

The deficiencies we refer to may include the failure to adhere to principles such as economic and social efficiency, particularly sound financial management. Sound financial managementmeans ensuring legality, regularity, cost-efficiency, and effectiveness in the use of public funds and in the administration of public assets.

In terms of ensuring the efficiency of fund utilization, this involves awarding procurement contracts on a competitive basis and using award criteria that reflect the economic advantages of bids, in order to achieve an optimal balance between quality and price, including by taking into account social, ethical, and environmental objectives.

Failure to comply with legal provisions, as well as with principles underlying the award of public procurement contracts, such as non-discrimination, equal treatment, mutual recognition, transparency, proportionality, and accountability, affects economy.

Vulnerabilities in public procurement are those that can affect the core components of the Romanian economy. The components that may be impacted include, on the one hand, freedom of trade, protection of fair competition, and creation of a favourable framework for the utilization of all production factors. Another aspect of the economy affected by these vulnerabilities concerns the safeguarding of national interests in economic, financial, and monetary activities.Furthermore, due to the aforementioned vulnerabilities, the stimulation of national scientific and technological research, the arts, and the protection of intellectual property rights is negatively affected. Another area influenced by vulnerabilities in public procurement includes the exploitation of natural resources in accordance with national interests. Additionally, certain dimensions of the economy are easily impacted by deficiencies and irregularities in public procurement that relate to environmental restoration and protection, as well as the maintenance of ecological balance. Moreover, public procurement weaknesses often hinder the establishment of conditions necessary for improving the quality of life. Fraud and corruption in public procurement adversely affect the implementation of regional development policies in line with the objectives of the European Union.

Deficiencies in public procurement, specifically deviations from legality, regularity, economy, effectiveness, and efficiency in the use of public funds and the management of public assets, contribute to the amplification of fraud and corruption in public procurement in Romania.

To ensure coherence in addressing vulnerabilities, it is necessary to act in key areas, such as improving the quality of the legislative framework, including the assessment of options for transposing new European regulations into national legislation. Another area of action concerns the overall coherence and efficiency of the national institutional system involved in public procurement. A particularly important component requiring attention is ensuring the regularity and quality of the public procurement process. Strengthening the capacity of contracting authorities, especially with regard to professionalization and integrity assurance plays a major role in guaranteeing the integrity of public procurement in Romania. The public procurement system in Romania must be reinforced to enhance its monitoring and supervisory functions.The objective of this study is to assess the scope and scale of deficiencies and to focus on their reduction. The consequences of the identified deficiencies

are reflected in the substantial extent of losses, additional revenues, and financial-accounting irregularities.

Literature Review

Publicprocurement is the process through which state authorities, at the central or local level, referred to as contracting authorities, purchase goods, works, or services to meet public needs, required to support the public functions of the state. Public procurement is crucial for ensuring economic growth and developing the state's capacity to respond to citizens' needs and improve their standard of living. The manner in which the state conducts public procurement reflects the efficiency of public fund management and the administration of public assets. When discussing public procurement, one must consider the specific process that includes planning and organizing procurement, conducting the necessary publicity, applying the relevant procurement procedures, and awarding and managing public procurement contracts. The three main areas of public procurement are goods, works, and services. Market transactions involving goods, works, and services are important both for Romania and for Europe. When carried out properly, such market transactions contribute to prosperity, and development; they foster innovation and technical progress, enhancing competitiveness and productivity, and benefitting everyone.

Vulnerabilities in economy arise from failures in economic and social efficiency and from shortcomings in sound financial management, which must be based on legality, regularity, cost-effectiveness, and efficiency in the use of public funds and the management of public assets.

Public procurement also plays a highly significant role in Europe, where major efforts are focused on identifying strengths and weaknesses in order to support a forward-looking strategy aimed at reducing deficiencies to the greatest extent possible, enhancing competitive advantages, and identifying and developing new opportunities. It should be emphasized that at the European level, concerns about competing and advancing within the global economy remain highly relevant, particularly in the current geopolitical context. It is worth noting that the European Union's long-term competitiveness is founded on the single market, which encompasses nearly 450 million people, 23 million enterprises, and a GDP of €17 trillion [1].

These facts and figures place the EU among the world's three largest economies, accounting for roughly one-sixth of the global economy. It should be noted that there is a number of long-standing barriers within the single market; the administrative issues prevent the European economy from reaching its full potential. With regard to the integration of the single market, progress has slowed, and barriers, particularly in the area of services, remain in place. Enterprises, especially SMEs, face difficulties, particularly in the state administrative and legislative areas, as they struggle to comply with legal provisions that are often unpredictable, adopted in haste, and frequently enacted without consultation with the business community. Such a hostile environment hampers the conduct of economic activities and reduces opportunities for enterprises to grow. Thus, within the EU, economic competitiveness is increasingly subject to growing pressures from multiple perspectives. One such perspective concerns structurally rising prices, primarily in energy and particularly in electricity. As of 2025, electricity prices are two to three times higher compared to the United States [2]. Among the causes that have generated this situation are the decline in business investment, resulting from the reduced commercialization of research outcomes, itself a consequence of decreased public and private investment in specific technologies and sectors. As a result, the expansion and adoption of new digital technologies, as well as other emerging technologies, are stagnating or experiencing delays compared to competing

economies. At the same time, the supply of specialized labor remains insufficient. The geopolitical context characterized by turbulence and instability calls for greater attention to the strategic dependencies of both individual states and Europe. Economic vulnerabilities, particularly deficiencies in public procurement, undermine investment capacity and weaken economic competitiveness.

Consolidating public procurement within a procurement entity for centralized purchases can help enhance economic and social efficiency [3].

It should be noted that even centralized systems may have certain limitations, particularly regarding the rigidity of technical specifications [4].

Aggregating public procurement on behalf of multiple contracting authorities can ensure better governance [5]. Another drawback is the reduced ability to identify the specific needs of the contracting authority [6]. Another negative aspect is that the centralization of public procurement can create market distortions, concentrating power among large economic operators and excluding small and medium-sized enterprises [7].

A real issue may arise in centralized procurement concerning the operationalization of the delivery process, as bureaucratic distance can create discrepancies between the procured goods and the operational realities of the contracting authorities [8].

At the same time, it can ensure greater compliance with regulations, enhance the capacity to negotiate better prices, and improve efficiency [9]. At the same time, there are risks of inefficiency, fragmented requirements, and fraud and corruption, particularly in countries with weak administrative capacity [10].

In Romania, public procurementis an essential pillar of the economy directly impacting infrastructure development, public services, and the efficient use of national and European public funds.

Methodology and Data

The evolution of gross domestic product, total expenditures, and public procurement spending between 2016 and 2024 shows that Romania's economy has followed an upward trend, and public procurement has expanded, highlighting the need for increased attention to how these procurements are carried out.

Between 2016 and 2024, a series of indicators such as gross domestic product (GDP), total expenditures (TE), and public procurement expenditures (PPE)consistently recorded increases, according to data provided by the Ministry of Finance. Their evolution, evaluated in Euro at the end of each year using the official leu/euro exchange rate published by the National Bank of Romania, is presented below.

The evolution of certain indicators between 2016 and 2024, evaluated in Euro at the end of each year, such as gross domestic product (GDP), total expenditures (TE), and public procurement expenditures (PPE), is presented in Table 1 below:

Table 1: Evolution of GDP, TE, and PPE (thousand euros), between 2016 and 2024, Romania

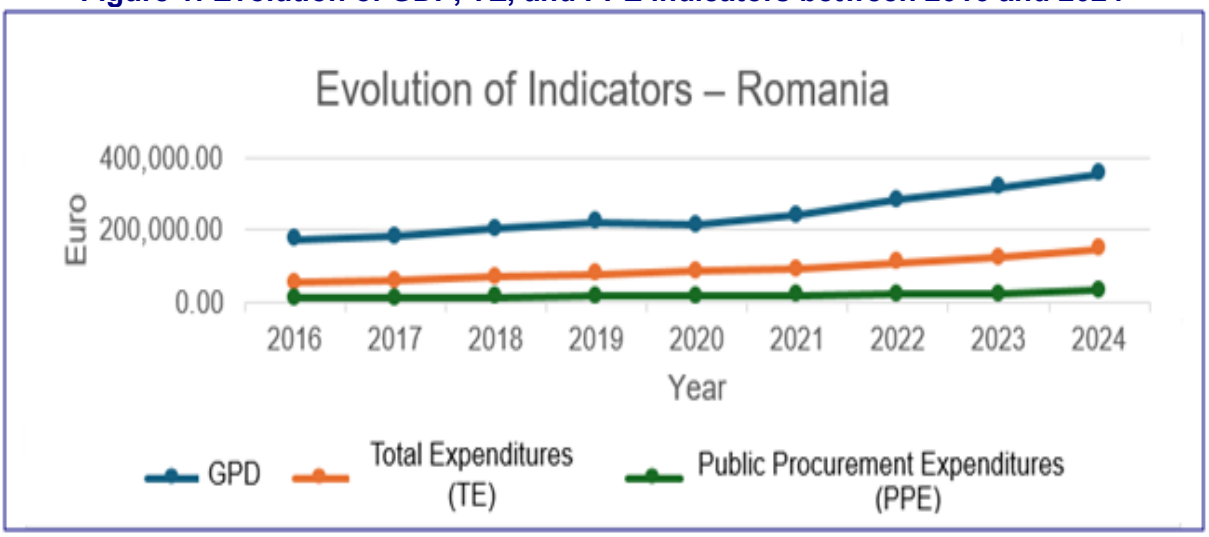
Euro	2016	2017	2018	2019	2020	2021	2022	2023	2024
GDP	172,975.71	180,805.63	204,206.14	221,748.58	213,742.97	239,971.30	283,248.78	318,317.05	354,737.54
Total Expenditures (TE)	53,294.58	59,248.45	69,065.59	77,339.57	87,163.72	92,890.81	109,343.90	122,894.30	146,220.62
Public Procurement Expenditures (PPE)	13,204.95	12,914.99	14,622.31	17,487.92	18,535.14	19,781.13	22,844.73	23,313.63	31,936.03

Source: Romania, Ministry of Finance; author's own assessments and calculations

The graphical representation of the evolution of GDP, TE, and PPE between 2016 and 2024 mainly shows an increase in all three indicators, as illustrated in Figure 1 below:

The graph showing the evolution of GDP, TE, and PPE from 2016 to 2024 highlights a general increase in all three indicators, as shown in Figure 1 below:

Figure 1: Evolution of GDP, TE, and PPE indicators between 2016 and 2024



Source: Romania, Ministry of Finance; author's own estimates and calculations

Results

Under the generally upward trend of GDP, TC, and PPE between 2016 and 2024, the deficiencies recorded between 2017 and 2024 in the field of public procurement generated consequences reflected in certain specific indicators, namely damages, additional revenues, and financial-accounting irregularities. These were determined on the basis of the author's personal assessments and calculations, expressed in Euro, and exhibited fluctuating developments, as illustrated in Table 2, as follows:

Table 2: Evolution of specific indicators, in thousand euros, between 2017 and 2024, Romania

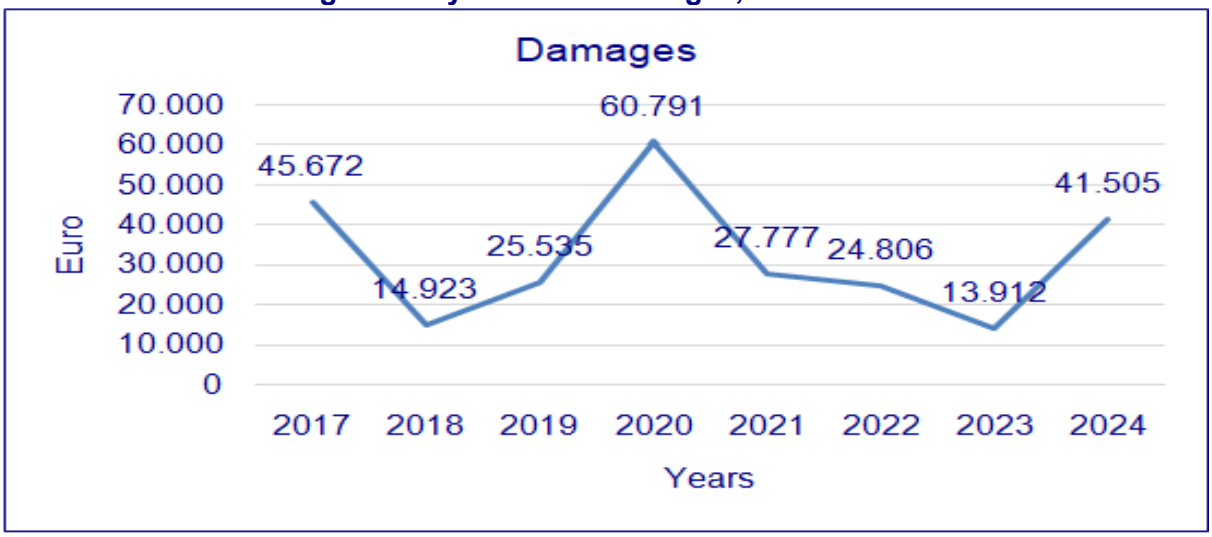
Indicator	2017	2018	2019	2020	2021	2022	2023	2024
Damages	45.672	14.923	25.535	60.791	27.777	24.806	13.912	41.505
Additional revenues	955	299	284	4.096	379	487	60	1
Financial-accounting irregularities	354.483	7.904	20.288	425.160	24.174	17.525	304.061	245.166

Source: Romania, specialized reports, and the author's own assessments and calculations

In the case of deficiencies in the field of public procurement between 2017 and 2024, and of their aggregate consequences reflected in the specific indicator *damages*, according to the above-mentioned data and information, the evolution was fluctuating, reaching its lowest level in 2023 and peaking in 2020.

The evolution of the consequences materialized as damages incurred either by the state budget, or local budgets, or the budgets of contracting entities, evaluated in thousand euros, in Romania, between 2017 and 2024, can be observed graphically in Figure 2 below:

Figure 2: Dynamics of damages, 2017–2024



Source: Romania, specialized reports, and the author's own assessments and calculations, thousand euros

In the case of deficiencies in the field of public procurement between 2017and 2024, and of their aggregate consequences reflected in the specific indicator additional revenues, according to the above-mentioned data and information, the evolution was fluctuating, reaching its lowest level in 2024 and peaking in 2020.

The evolution of the consequences materialized as additional revenues lost by the state budget, local budgets, or the budgets of contracting entities, evaluated in thousand euros, in Romania between 2017and 2024, can be observed graphically in Figure 3 below:

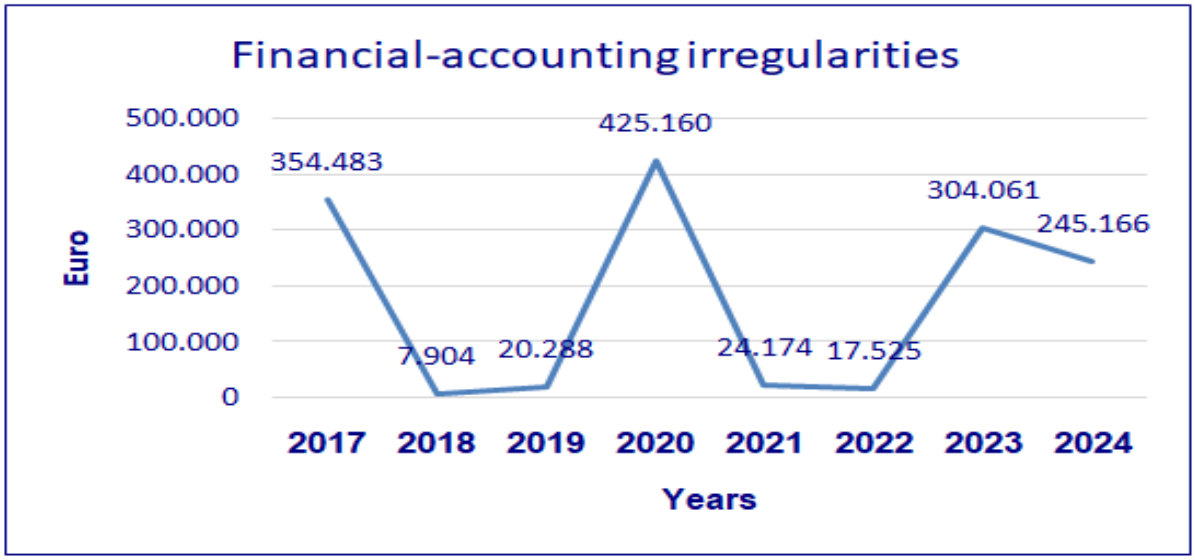
Figure 3: Dynamics of additional revenues, 2017–2024

Source: Romania, specialized reports, and the author's own assessments and calculations, thousand euros

In the case of deficiencies in the field of public procurement between 2017 and 2024, and of their aggregate consequences reflected in the specific indicator financial-accounting irregularities, according to the above-mentioned data and information, the evolution was fluctuating, reaching its lowest level in 2023 and peaking in 2020.

The evolution of consequences materialized as financial-accounting irregularities, namely errors in procurement documentation, recording mistakes, or incorrect registration of specific transactions in the financial-accounting records of authorities or contracting entities, evaluated in thousand euros, in Romania, between 2017 and 2024, can be observed graphically in Figure 4 below:

Figure 4: Dynamics of financial-accounting irregularities between 2017 and 2024



Source: Romania, specialized reports, and the author's own assessments and calculations, thousand euros

The sector most affected by deficiencies in public procurement in 2024, in terms of aggregate consequences reflected in the specific indicator damages, was local public administration, accounting for approximately 95% of the total identified damages.

Thus, regarding the value of damages recorded in 2024, there is an upward trend compared to the periods 2018–2019 and 2021–2023, and a decrease compared to 2017 and 2020.

In certain sectors of activity, an increase in the value of consequences resulting from deficiencies or legal irregularities found in 2024, aggregated in the specific indicator damages, was recorded compared to previous periods. These sectors are as follows:

- Local public administration (€39,496.39 thousand in 2024, compared to €11,340.81 thousand in 2023, €23,109.11 thousand in 2022, €22,475.50 thousand in 2021, €18,495.50 thousand in 2020, €16,195.26 thousand in 2019, €12,126.55 thousand in 2018, and €33,454.51 thousand in 2017).

- Culture, national education, scientific research, youth and sports (€679.92 thousand in 2024, compared to €647.29 thousand in 2023, €485.31 thousand in 2022, €102.46 thousand in 2021, €14.99 thousand in 2020, €236.65 thousand in 2019, €84.91 thousand in 2018, and €107.09 thousand in 2017).

The most frequent types of deficiencies in 2024, which increased compared to the period 2017–2023, grouped by the three stages of the public procurement process, without being limited to these, are as follows:

● In the *planning/preparation stage of the public procurement procedure:*

- Inclusion in the purchase requisition of goods, services, and/or works unrelated to the entity's field of activity and/or whose acquisition is prohibited, which were nevertheless procured and paid for;

- Inclusion in the investment program, annexed to the budget of revenues and expenditures, of new and/or ongoing investment objectives whose technical-economic documentation or approvals for intervention works are not legally authorized;

- Errors in applying the rules for estimating the value of procurements;

- Incorrect selection of the procedure for awarding the public procurement contract;

- Splitting into multiple smaller contracts or using calculation methods that lead to underestimation of the estimated value, with the purpose of remaining below the legally established thresholds and avoiding compliance with the legal contract award procedures;

- The annual public procurement strategy and/or the annual public procurement plan were not prepared / updated on time or in the legally required format;

- Failure to publish, within the legal deadlines, in the Electronic Public Procurement System, the extracts from the annual procurement plan relating to contracts/framework agreements for goods, services, and works whose estimated value is equal to or above the regulated thresholds;

- Non-compliance with the principle of sound financial management in the preparation and approval of the annual public procurement strategy, including the annual public procurement plan.

● In *the organization stage of the public procurement process:*

- Direct procurement was not carried out solely in cases permitted by law;

- Failure to transmit a notification in the Electronic Public Procurement System within the legal deadline for direct procurements;

- Failure to submit the draft legal commitment for review by the internal financial control authority;

- Commitment of expenditures through the conclusion of procurement contracts for which funding sources were not approved in the budget;

- Commitment of expenditures through the conclusion of procurement contracts with economic operators lacking the required legal authorizations;

- Non-compliance with the principles underlying the award of public procurement contracts;

- Non-compliance with legal provisions regarding the publication of award notices and any other documents required by law in the Electronic Public Procurement System and/or the Official Journal of the EU;

- Failure to meet the deadlines specified in the public procurement documentation;

- The concluded contract does not correspond to the technical and financial proposal of the declared winning bid and to other procurement documents;

- the award of the winning bid was carried out based on the award criteria and evaluation factors specified in the invitation to participate/notice to participate and in the procurement documents without cumulatively meeting the required conditions.

● In the *post-award stage (execution and monitoring of the implementation) of the contract/framework agreement:*

- Payment for goods not delivered / works not executed / services not provided, which are not advances stipulated in the public procurement contracts;

- Failure to establish the performance guarantee in the legally required amount / failure to record it in the accounting system;

- Lack of documents certifying the receipt of delivered goods / execution of works, or confirmation of services provided under the public procurement contract;

- Work reports including expenses and/or quantities of materials and/or equipment / unit prices / rates, etc., different from those offered;

- Making payments from budgetary credits approved for other purposes;

- Non-compliance with contractual clauses regarding the quantity and quality of goods delivered / works executed / services provided, or with the established deadlines;

- Adjustment of the contract price in violation of legal and/or contractual provisions.

The most important causes of deficiencies in the field of public procurement can be identified as follows:

- The increasing volume and complexity of national public procurement legislation, without adequate monitoring of the legislative process;

- Largely unsatisfactory methodological coordination by authorized institutions, and the maintenance of ex-ante and ex-post control mechanisms exercised by institutions that either lack competence under specific regulations, or do not apply a unified approach, or are staffed by personnel with differing training and experience in public procurement;

- Divergent approaches to similar causes or cases in public procurement administrative and jurisdictional settlement;

- Lack of an adequate integrated information system containing complete data necessary for stakeholders to carry out various evaluations from the initiation to the completion of the public procurement process;

- Insufficient training of personnel with responsibilities in public procurement.

Conclusions

The analysis of the causes and circumstances leading to the occurrence and recording of deficiencies or legal irregularities identified by control authorities in 2024, compared to those identified between 2017 and 2023, indicate that these remain at a high level.

The main cause of deficiencies in public procurement is the non-compliance with applicable regulations by those responsible for procurement, particularly regarding the principles underlying the award of public procurement contracts. These principles include non-discrimination, equal treatment, mutual recognition, transparency, proportionality, and accountability, as well as sound financial management in the use of public funds and administration of public assets, which have a direct impact on the economy.

Additionally, contributing factors include the complex and extensive legislation, lack of methodological guidance, personnel shortages, and insufficient qualification in public procurement within public institutions and authorities.

Furthermore, practice has revealed poor communication both between internal departments involved in the public procurement process and among decision-makers and operational staff, as well as incorrect knowledge and enforcement of laws and other applicable regulations in the field of public procurement.

Another issue concerns the lack of internal procedures for carrying out and monitoring procurements at the level of the public institution / authority, as well as inadequate oversight of the execution of public procurement contracts.

National legislation creates confusion among those required to apply it, including contracting authorities and economic operators alike, discouraging participation from the latter in procedures, with consequences such as reduced competition, failure to achieve the best value-for-money, and ineffective use of public funds.

The following recommendations should be considered for eliminating deficiencies in public procurement, including, but not limited to:

- Ensuring compliance with the principles underlying the award of public procurement contracts (non-discrimination, equal treatment, mutual recognition, transparency, proportionality, and accountability);

- Ensuring compliance with legal provisions requiring the organization of competitive award procedures in accordance with the monetary thresholds established by law;

- Compliance with the obligation to use electronic means for the application of award procedures and for direct procurement;

- Ensuring compliance with legal provisions regarding the preparation of award documentation, including the detailed specification of evaluation factors and scoring

algorithms, in order to determine the most economically advantageous offer in accordance with the law;

- Determining the extent of identified damages, taking all necessary legal measures for their recovery, including applicable interest and penalties for delay, recording recovered amounts in accounting, and remitting them in accordance with the law;

- Extending verifications to all public procurement contracts concluded and payments made under them, in order to identify potential deficiencies, determine the extent of possible damages, and recover them.

The conclusion is that strengthening oversight in the field of public procurement in Romania can lead to a reduction of deficiencies in this area.

In conclusion, it is necessary to simplify the specific legislation in the field of public procurement, altogether with intensified methodological guidance, and, above all, to strengthen and enhance the continuous training of specialized personnel in this field, while ensuring legality and increasing the transparency of public procurement processes.

Acknowledgments

Information and data from the statistics of the Romanian Ministry of Public Finance, from verification activities, the development of specific methodologies, and professional training in the field of public procurement of certain control bodies, as well as the author's own assessments and calculations, were used.

Text notes

[1] According to assessments carried out by the European Commission, included in the 2025 Annual Report on the Single Market and Competitiveness, Brussels, 29 January 2025, COM(2025) 26 final, available at:https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:52025DC0026

[2] Eurostat; U.S. Energy Information Administration – EIA, https://www.eia.gov/). SeeSection 3.3.

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